

Resolution No. 2015-57

A Resolution to Authorize the City Administrator to Execute an Easement Agreement with Zenith Products Corporation to Grant Access to Privately Owned Portions of Buttonwood Dike Permitting the City to Assume Sponsorship of Maintenance Responsibility of the Dike.

WHEREAS, the City of New Castle (the “City”) has previously resolved to assume sponsorship for regular maintenance of the Gambacorta Dike, the Buttonwood Dike and the Broad Dike under the US Army Corps of Engineers’ Rehabilitation and Inspection Program (the “Program”) administered by the Army Corps of Engineers (the “Corps”) which Program will provide funding of up to 80% of repair costs to said dikes associated with storms, hurricanes and significant flood events; and

WHEREAS, the City’s responsibility under the Program primarily involves periodic cutting of vegetation on the dikes during the growing season to prevent the growth of trees and other undergrowth; conducting regular inspections of the dikes to identify problems in dike functionality from erosion, burrowing by animals, vandalism and similar issues; and associated record keeping; and performing ongoing corrective maintenance; and

WHEREAS, the City must secure easements to privately owned dike properties to assure access to fulfill its sponsorship and maintenance responsibilities; and

WHEREAS, the City has already secured an access easement from Printpack, Inc. to access privately owned portions of Army Creek Dike; and

WHEREAS, the City has negotiated an easement agreement with Zenith Products Corporation (“Zenith”) to permit access to that portion of Buttonwood Dike owned by Zenith; and

WHEREAS, the proposed easement provides the City and its agents with access to Buttonwood Dike and includes indemnity provisions as to any personal injuries or environmental contamination caused by the City’s activities on Buttonwood Dike; and

WHEREAS, the proposed easement has been reviewed and approved by the City Solicitor and signed by the City Administrator, though it will not be delivered or recorded without Council approval.

NOW, THEREFORE, BE IT RESOLVED, that the City Administrator’s execution of the proposed easement agreement with Zenith is ratified and approved, and that he is authorized deliver and record the proposed easement agreement.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

PASSED this 18th day of December, 2015.

Linda Ratchford, City Council President

John A. Di Mondì, Councilperson

Albert J. Vannucci, Jr., Councilperson

Theodore H. Megginson, Councilperson

Teel Petty, Councilperson

Attest:

Janet E. Wurtzel, City Clerk